

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:18-CV-75-BO

TONY KHALID BEY,
Plaintiff,

v.

COLLEEN SICLEY,
Defendant.

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ORDER

This matter is before the Court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr., pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b). [D.E. 4]. The Court ADOPTS the M&R.

On April 4, 2018, plaintiff moved for leave to proceed in forma pauperis in the instant case. Magistrate Judge Jones issued a Memorandum and Recommendation, finding that plaintiff demonstrated appropriate evidence of the inability to pay court costs, but that the claim should be dismissed because it fails to state a claim over which the Court has subject matter jurisdiction. Plaintiff did not file any objections to the Memorandum.


“The Federal Magistrates Act requires a district court to make a *de novo* determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. 636(b). Absent timely objection, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (quotation omitted).

Having considered the M&R and record, the Court is satisfied that there is no clear error on the face of the record and accepts the Magistrate Judge’s recommendation. Magistrate Judge

Jones determined that plaintiff's complaint is "illogical, convoluted, and lacks an arguable basis in fact." [DE 4 at 4]. Plaintiff did not plead any facts that could possibly sustain either federal question or diversity jurisdiction, and so this Court lacks jurisdiction. *See* 28 U.S.C. § 1331; 28 U.S.C. § 1332(a)(1).

The Court ADOPTS the Magistrate Judge's M&R. [DE 4]. Plaintiff's case is DISMISSED.

SO ORDERED, this 27 day of July, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE